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C O N F I D E N T I A L SECTION 01 OF 03 GUATEMALA 000220

SIPDIS

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TAGS: PHUM PREL PINR KJUS GT UN OAS

SUBJECT: AMBASSADOR AND LARUE DISCUSS CLANDESTINE GROUPS
COMMISSION AND HUMAN RIGHTS EFFORTS

REF: A. GUATEMALA 146

B. GUATEMALA 189

C. 02 GUATEMALA 3281

Classified By: Katharine Read, HROff, for reason 1.5 (d)

11. (C) Summary: The Ambassador visited the headquarters of the Center for Legal Action in Human Rights (CALDH) on January 22 to meet with director Frank LaRue. The Ambassador informed LaRue of his personal efforts in support of the commission to investigate clandestine groups with various GOG leaders, briefed LaRue on impending decertification and the link between combating narcotics trafficking and democracy, and promoted CAFTA as a democratic opportunity worthy of support from civil society. LaRue credited the government for the naming of Human Rights Watch leader Jose Miguel Vivanco as a "facilitator", saying "it just goes to show that you should never underestimate the FRG," but was guardedly optimistic about Vivanco's possible role after direct discussions with him the day before. After discussing the proposed commission, LaRue warned the Ambassador that the other dangerous development on the human rights front is the resurgence of the ex-PACs. LaRue said he participates in a regional civil society effort to engage in CAFTA talks (at the cost of criticism from some US NGOs) and highlighted the effectiveness of an AID-supported project to prevent crime by working with urban gangs. In remarks to the press, the Ambassador praised the work of CALDH, was cautiously positive on the Vivanco appointment, and warned about the pervasive negative effects of narco-trafficking on corruption of democracy and rising local drug use. End Summary.

Vivanco Appointment

12. (C) In their meeting at CALDH, held at LaRue's request, the Ambassador began with a discussion of the Portillo administration's decision, announced on January 21, to enlist Human Rights Watch Executive Director Jose Miguel Vivanco to facilitate the formation of a mixed commission to investigate clandestine groups. LaRue said this was a reminder to all to "never underestimate the FRG," because the FRG was prone to capitalize on any opportunity to improve its public image. While skeptical of Portillo and Gutierrez's motives, LaRue remained positive about Vivanco's inclusion. (Note: HROff spoke with human rights activists Helen Mack and Mario Polanco on January 22, who were initially leery of Vivanco's invitation, but now also think his leadership may be useful in pushing their agenda.)

13. (C) LaRue said that he spoke with Vivanco on January 21, because they also have a long personal relationship. Vivanco told LaRue that he understood he would only be facilitating discussions between the GOG, the NGO community, and the Human Rights Ombudsman's Office. Vivanco promised LaRue that he would facilitate, not mediate, participation of all three groups to help define the mandate of the Commission. Vivanco said he would arrive in Guatemala on February 10 to begin these talks.

Other Commission-related Developments

14. (C) The Ambassador briefed LaRue on his efforts to pitch the proposal from the "top-down" in the GOG. (Ref B) LaRue mentioned that, since the release of the proposal on January 16 (Ref A), he had received a "defensive" letter from Attorney General Carlos de Leon about the Public Ministry's efforts to investigate threats against human rights workers. LaRue expressed understanding for the AG's defensiveness, and said the human rights movement does not seek, by supporting the mixed international commission, to discredit or alienate the Public Ministry, which has its own key role to play as an investigative body.

15. (C) In response to the Ambassador's question about the UN's response to the proposed commission, LaRue said that he views the UN response as mostly positive. He cited as evidence meetings he had in New York during the holidays with Martha Doggett, who played an important role with the Salvadoran commission and now handles Guatemala at UN HQ, and more recently in Guatemala with MINUGUA Chief Koenigs. LaRue and the Ambassador agreed that firm, public USG support may be motivating the UN to react more and more positively to the proposal.

16. (C) LaRue asked the Ambassador if there was any possibility of the USG declassifying pertinent documents for the Commission. The Ambassador said that the USG had not decided on that, but that the Commission should not pin all their hopes on evidence collected by USG agencies. The Ambassador explained that declassification of documents from the post-1996 period the commission would potentially cover could be difficult because the issues are current and sources need to be protected.

Twin Dangers: Clandestine Groups and Ex-PACs

17. (C) LaRue said that, although he was thrilled that the threat of clandestine groups to human rights groups and the general population was finally being addressed, he felt increasingly worried about the resurgence of former civil defense patrols (ex-PACs). LaRue heard that the military veteran's association (AVEMILGUA) was looking to include the ex-PACs as associate members. This would swell AVEMILGUA's membership from its current 76,000 members to over 200,000, making it a very powerful lobbying group in the upcoming elections. The Ambassador asked if the former URNG combatants had any sort of collective structure. LaRue shook his head and said that, sadly, the political left is fractured and weak. The majority of the former URNG members feel abandoned by their leaders because since demobilization, the leaders have been well compensated but the troops were financially "left behind."

Opportunities: Decertification and CAFTA

18. (C) The Ambassador told LaRue that decertification was coming soon, but that it will serve more as a moral statement against the GOG and not financially affect average Guatemalans due its probable waiver. The Ambassador said that if the GOG earns back their certification, then the USG will give it to them, because the USG wants to be clear that this is not an attempt to influence 2003 elections. LaRue said that he was pleased with the USG decision to decertify and that he hoped it would prompt real, serious convictions of criminals and steps towards improvement.

19. (C) The Ambassador and LaRue then turned the discussion to the coincidental timing of decertification and CAFTA negotiations. While some in civil society question how we can engage the GOG on CAFTA and decertify them on counternarcotics cooperation at the same time, the Ambassador explained that at this stage there is no linkage. He cautioned, however, that anti-drug cooperation would have to be on track if CAFTA is to be approved by Congress.

110. (C) LaRue briefed that Ambassador on his involvement with the Center for Integration and Development (CID), a Central American civil society consortium that would like to represent democratic and human rights concerns in the CAFTA negotiations. LaRue explained that all the other Central American governments have been open to including NGOs in the informal process, while the FRG has ruled out any private sector or civil society participation. The Ambassador said that he was pleased that civil society groups recognize that CAFTA not only promises lowered tariffs, but also good governance, and that the USG is fully supportive of a process that involves full consultation with a variety of non-governmental actors.

Bright Spot: AID-supported CALDH Gang Project

111. (U) LaRue asked the Ambassador if he would lend political support to a crime prevention program of CALDH that is funded by AID for approximately 18 more months. LaRue said that CALDH was very successful so far, but that recently they had run into difficulties with the new police chief (who refuses to meet with them) and the they were concerned about the pre-Christmas preventative detention plan that triggered the Pavoncito prison riot (Ref C). LaRue said that, during the Pavoncito riots, the CALDH mentees refrained from engaging in the violence and protected the art supplies that were part of their rehabilitative program. The Ambassador pledged to raise the project with the new police chief and lobby for a meeting with project leaders.

Comment

112. (C) LaRue is an articulate and able human rights activist, open to working cooperatively with other sectors of society, and is the leader of Guatemala's largest human rights NGO. He himself noted differences within the human rights community over engagement with the GOG (he is in favor of it, despite visceral dislike for Portillo, and CALDH's open genocide case against Rios Montt), engagement in CAFTA talks (again, he supports), and, frankly, his openness to engagement with the USG in support of the human rights

agenda. We will follow up this meeting by continuing to collaborate with the human rights community on the formation of the commission, on CAFTA talks, monitoring the resurgence of ex-PACs, and enlisting the support of civil society for more serious counter-narcotics efforts.
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